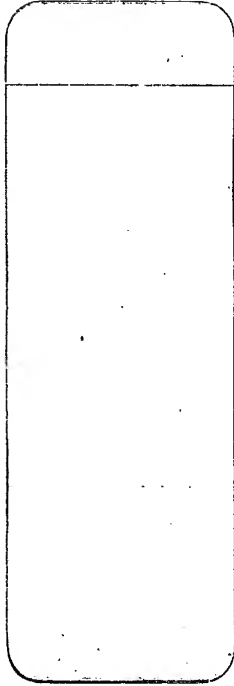
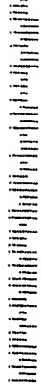


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NOTICE OF ALLOWANCE AND FEE(S) DUE

22850 7590 05/04/2005
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT,
P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ADDY, ANTHONY S

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 05/04/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,225	02/01/2002	Yoshihiro Ishikawa	219042US2	8038

TITLE OF INVENTION: CALL ACCEPTANCE CONTROLLING APPARATUS AND METHOD THEREOF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	08/04/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above,

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22850 7590 05/04/2005

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P.C.
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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/060,225	02/01/2002	Yoshihiro Ishikawa	219042US2	8038
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TITLE OF INVENTION: CALL ACCEPTANCE CONTROLLING APPARATUS AND METHOD THEREOF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional	NO	\$1400	\$300	\$1700	08/04/2005
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EXAMINER	ART UNIT	CLASS-SUBCLASS
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ADDY, ANTHONY S	2681	455-436000
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1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

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☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
 NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,225	02/01/2002	Yoshihiro Ishikawa	219042US2	8038
22850	7590	05/04/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER ADDY, ANTHONY S				
ART UNIT			PAPER NUMBER	
2681				

DATE MAILED: 05/04/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 440 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 440 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability

Application No.

10/060,225

Examiner

Anthony S Addy

Applicant(s)

ISHIKAWA ET AL.

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/21/2005.
2. ☒ The allowed claim(s) is/are 2-26 and 28-52.
3. ☒ The drawings filed on 01 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received:
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EW

DETAILED ACTION

Allowable Subject Matter

1. Claims 2-26 and 28-52 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

The present invention relates to a call acceptance controlling apparatus and a method for controlling acceptance of new calls and handover calls generated in a cell where communication is provided by a radio channel between a mobile station in the cell and two or more radio base stations that form cells in a mobile communications system that employs a code division multiple access method.

The instant invention with respect to claims 2 and 28, teaches a call acceptance controlling apparatus and method, identifying the uniquely distinct features "rejecting the new call to make the new call a lost call, when an uplink interference amount of any radio channel exceeds a first threshold value comprising; interference amount measuring means for measuring an interference amount of each uplink radio channel from a mobile station to a radio base station when there is a request for a new call, and interference amount checking means for determining whether an interference amount of any radio channel measured by the interference amount measuring means is greater than the first threshold value that is defined as being smaller than the predetermined maximum interference amount of the mobile communications system."

The closest prior art, **Gustavsson et al., U.S. Patent Number 6,721,568** teaches a call acceptance controlling apparatus and method, wherein the new call

acceptance limiting means restricts acceptance of a new call before the uplink interference amount of a radio channel reaches the predetermined maximum interference amount of the mobile communications system and rejecting the new call to make the new call a lost call (see col. 5, lines 44-55 and col. 7, lines 16-28). However, Gustavsson fails to anticipate or render the above underlined limitations in combination with all the recited limitations of claims 2 and 28 obvious, over any of the prior art of record, alone or in combination.

The instant invention with respect to claims 3 and 29, teaches a call acceptance controlling apparatus and method, identifying the uniquely distinct features "rejecting the new call to make the new call a lost call, when an uplink interference amount of any radio channel exceeds a second threshold value, comprising; interference amount estimating means for estimating an interference amount of each uplink radio channel if a request for a new call is accepted, and interference amount checking means for determining whether an interference amount of any radio channel estimated by the interference amount estimating means is greater than the second threshold value that is defined as being smaller than the predetermined maximum interference amount of the mobile communications system."

The closest prior art, **Gustavsson et al., U.S. Patent Number 6,721,568** teaches a call acceptance controlling apparatus and method, wherein the new call acceptance limiting means restricts acceptance of a new call before the uplink interference amount of a radio channel reaches the predetermined maximum interference amount of the mobile communications system and rejecting the new call to

make the new call a lost call (see col. 5, lines 44-55 and col. 7, lines 16-28). However, Gustavsson fails to anticipate or render the above underlined limitations in combination with all the recited limitations of claims 3 and 29 obvious, over any of the prior art of record, alone or in combination.

The instant invention with respect to claims 4 and 30, teaches a call acceptance controlling apparatus and method, identifying the uniquely distinct features "rejecting the new call to make the new call a lost call, when the downlink total transmission power level exceeds a third threshold value, comprising; total downlink transmission power measuring means for measuring a total transmission power of the radio base station, and total downlink transmission power checking means for determining whether the total transmission power measured by the total downlink transmission power measuring means is greater than the third threshold value that is defined as being smaller than the predetermined maximum power level of the mobile communications system."

The closest prior art, **Gustavsson et al., U.S. Patent Number 6,721,568** teaches a call acceptance controlling apparatus and method, wherein the new call acceptance limiting means restricts acceptance of a new call before the downlink total transmission power reaches the predetermined maximum power level of the mobile communications system and rejecting the new call to make the new call a lost call (see col. 5, lines 44-55 and col. 7, lines 16-28). However, Gustavsson fails to anticipate or render the above underlined limitations in combination with all the recited limitations of claims 4 and 30 obvious, over any of the prior art of record, alone or in combination.

The instant invention with respect to claims 5 and 31, teaches a call acceptance controlling apparatus and method, identifying the uniquely distinct features "rejecting the new call to make the new call a lost call, when the total downlink transmission power level exceeds a fourth threshold value, comprising: total downlink transmission power estimating means for estimating a downlink total transmission power of the radio base station if a requested call is accepted, and total downlink transmission power checking means for determining whether the downlink total transmission power estimated by the total downlink transmission power estimating means is greater than the fourth threshold value that is defined as being smaller than the predetermined maximum power level of the mobile communications system."

The closest prior art, **Gustavsson et al., U.S. Patent Number 6,721,568** teaches a call acceptance controlling apparatus and method, wherein the new call acceptance limiting means restricts acceptance of a new call before the downlink total transmission power reaches the predetermined maximum power level of the mobile communications system and rejecting the new call to make the new call a lost call (see col. 5, lines 44-55 and col. 7, lines 16-28). However, Gustavsson fails to anticipate or render the above underlined limitations in combination with all the recited limitations of claims 5 and 31 obvious, over any of the prior art of record, alone or in combination.

The instant invention with respect to claims 6 and 32, teaches a call acceptance controlling apparatus and method, identifying the uniquely distinct features "wherein the new call acceptance limiting means restricts acceptance of a new call before all the spread code resources of a radio base station is consumed, rejecting the new call to

make the new call a lost call, when an amount of the spread code resources available is less than a fifth threshold value, comprising: spread code resources measuring means for measuring an amount of the spread code resources available in the radio base station, and spread code resources checking means for determining whether the amount of the spread code resources measured by the spread code resources measuring means is less than the fifth threshold value."


The closest prior art, **Gustavsson et al., U.S. Patent Number 6,721,568** teaches a call acceptance controlling apparatus and method, wherein the new call acceptance limiting means restricts acceptance of a new call before the downlink total transmission power reaches the predetermined maximum power level of the mobile communications system and rejecting the new call to make the new call a lost call (see col. 5, lines 44-55 and col. 7, lines 16-28). However, Gustavsson fails to anticipate or render the above underlined limitations in combination with all the recited limitations of claim 6 and 32 obvious, over any of the prior art of record, alone or in combination.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy
April 27, 2005



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PRIMARY EXAMINER 4/29/05

MAR 28 2005

SHEET 1 OF 1

Form PTO 1449
(Modified)DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY DOCKET NO.
219042US90SERIAL NO.
10/060,225

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT
Yoshihiro ISHIKAWA, et al.FILING DATE
February 1, 2002GROUP
2681

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
A-A	AO	2001-25048	01/26/2001	JAPAN (with English abstract)		X
X-A	AP	WO 99/60797	11/25/1999	WIPO		
A-A	AQ	8-23474	01/21/1997	JAPAN (with English abstract)		X
A-A	AR	7-23449	01/24/1995	JAPAN (with English abstract)		X
	AS					
	AT					
	AU					
	AV					

OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, etc.)

	AW	
	AX	
	AY	
	AZ	<input type="checkbox"/> Additional References sheet(s) attached

Examiner

Date Considered 04/27/05

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.